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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,571	03/08/2002	Sydney Devlin Stanners		2564

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,571	Applicant(s) STANNERS, SYDNEY DEVLIN	
	Examiner Janice A. Mooneyham	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-8 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-2, drawn to prescription form, classified in class 705, subclass 1.
- II. Claims 3-4, drawn to a bar code scanning apparatus, classified in class 235, subclass 462.
- III. Claim 5, drawn to a software program that converts a brand name drug to an illustrated generic format, classified in class 705, subclass 1.
- IV. Claim 6, drawn to an illustrated gummed label, classified in class 705, subclass 1.
- V. Claim 7, drawn to a software program that bar codes and prints a label, classified in class 705, subclass 1.
- VI. Claim 8, drawn to a checklist, classified in class 705, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are a prescription form and a bar code scanner which have different functions and effects.

Because these inventions are independent or distinct for the reasons given above, because the search for Group I is not required for Group II, and because the

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inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are a prescription form and a software program that converts a brand name drug to an illustrated generic format.

Because these inventions are independent or distinct for the reasons given above, because the search for Group I is not required for Group III, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions I and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are a prescription form and an illustrated gum label.

Because these inventions are independent or distinct for the reasons given above, because the search for Group I is not required for Group IV, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions I and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs,

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modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are prescriptions forms and a checklist.

Because these inventions are independent or distinct for the reasons given above, because the search for Group I is not required for Group V, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions a bar code scanning apparatus and a software program that converts a brand name drug to an illustrated generic format.

Because these inventions are independent or distinct for the reasons given above, because the search for Group II is not required for Group III, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions II and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are a bar code scanning apparatus and an illustrated gummed label.

Because these inventions are independent or distinct for the reasons given above, because the search for Group II is not required for Group IV, and because the

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inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions II and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are a bar code scanning apparatus and a software program that bar codes and prints a label.

Because these inventions are independent or distinct for the reasons given above, because the search for Group II is not required for Group V, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions II and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are a bar code scanning apparatus and a checklist.

Because these inventions are independent or distinct for the reasons given above, because the search for Group II is not required for Group VI, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the

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different inventions are a software program that converts a brand name drug to an illustrated generic format and an illustrated gummed label.

Because these inventions are independent or distinct for the reasons given above, because the search for Group III is not required for Group IV, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions III and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are a software program that converts a brand name drug to an illustrated generic format and a software program that bar codes and prints a label.

Because these inventions are independent or distinct for the reasons given above, because the search for Group III is not required for Group V, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions III and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are a software program that converts a brand name drug to an illustrated generic format and a checklist.

Because these inventions are independent or distinct for the reasons given above, because the search for Group III is not required for Group VI, and because the

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inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are an illustrated gummed label and a software program that bar codes and prints a label.

Because these inventions are independent or distinct for the reasons given above, because the search for Group IV is not required for Group V, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions IV and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are an illustrated gummed label and a checklist.

Because these inventions are independent or distinct for the reasons given above, because the search for Group IV is not required for Group VI, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions V and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the

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different inventions are a software program that bar codes and prints a label and a checklist.

Because these inventions are independent or distinct for the reasons given above, because the search for Group V is not required for Group VI, and because the inventions have acquired a separate status in the art because of their divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

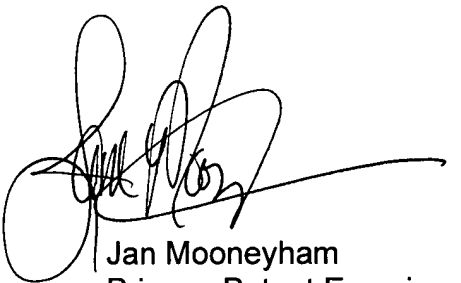
Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jan Mooneyham
Primary Patent Examiner
Art Unit 3629